

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Proposing rule making related to amusement rides, amusement devices, and concession booths and providing an opportunity for public comment

The Labor Commissioner hereby proposes to amend Chapter 61, “Administration of Iowa Code Chapter 88A,” and Chapter 62, “Safety Rules for Amusement Rides, Amusement Devices, and Concession Booths,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 88A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88A as amended by 2021 Iowa Acts, House File 558.

Purpose and Summary

This proposed rule making is intended to conform the Iowa Administrative Code with 2021 Iowa Acts, House File 558. The proposed amendments would reduce the minimum age for amusement ride staff to 16 years of age, add new topics for required amusement ride staff training, eliminate the distinction between amusement ride assistants and attendants, and make conforming edits.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on July 7, 2021. Comments should be directed to:

Kathleen Uehling
Division of Labor Services
150 Des Moines Street
Des Moines, Iowa 50309
Email: kathleen.uehling@iwd.iowa.gov

Public Hearing

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

July 7, 2021
1:30 p.m.

Dial: 312.626.6799
Meeting ID number: 813 6327 9319
Passcode: 590253

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind the definition of "Assistant" in rule **875—61.2(88A)**.

ITEM 2. Adopt the following **new** definition of "Special operation" in rule **875—61.2(88A)**:

"*Special operation*" means an unusual condition, interruption in operation, injury, emergency, or evacuation.

ITEM 3. Amend paragraph **61.6(2)"j"** as follows:

j. Failure of an operator to provide an adequate number of properly trained and qualified ~~assistants~~ ~~and attendants~~; or

ITEM 4. Amend rule 875—62.6(88A), introductory paragraph, as follows:

875—62.6(88A) Operations. Operations shall conform to ANSI B77.1 and ANSI B77.1A-2012 and ASTM F770-15, F1957-99(2011), F2007-12, F2137-15, F2374-10, F2375-09, F2376-13, F2460-11, and F2959-14, as applicable. ASTM F2374-10 shall apply to all air-supported structures notwithstanding the definition and use of the phrase "inflatable amusement device" in ASTM F2374-10. The commissioner will enforce the minimum age requirements set forth below rather than any minimum age requirement set forth in a code adopted by reference in this rule.

ITEM 5. Amend subrule 62.6(1) as follows:

62.6(1) Attendants ~~and assistants~~. The operator shall provide a sufficient number of competent, trained workers, who shall be recognizable by their uniforms. Covered equipment shall have continuous, direct supervision while in use by a patron.

a. Each attendant of a concession booth, except a shooting gallery or dart game, shall be at least 14 years of age. All other attendants shall be at least ~~18~~ 16 years of age.

~~*b.* Each assistant shall be at least 16 years of age.~~

~~*c.*~~ *b.* Each attendant ~~and assistant~~ shall be trained according to ANSI B77.1 and ANSI B77.1A-2012 and ASTM F770-15, F2007-12, F2460-11, and F2959-14, as applicable. In addition, training must cover procedures for normal operations and special operations specific to each ride the attendant will control, specific duties for each assigned position for each ride the attendant will control, and the operator's general procedures for normal operations and special operations. Training documentation shall be available to the commissioner.

~~*d.*~~ *c.* An attendant shall have control of the covered equipment when it is in operation. When the covered equipment is shut down, provision shall be made to prevent unauthorized operation.

~~e. Under normal operations, the duties of an assistant shall be limited to securing or removing seat restraints; checking height compliance; and loading and unloading patrons. In case of emergency, an assistant who has received appropriate training may terminate operations.~~

ITEM 6. Amend subrule 62.7(3) as follows:

62.7(3) *Emergency procedure.* When lightning, high wind, tornado warning, severe storm warning, fire, violence, riot or civil disturbance creates a direct threat to patrons, the operators, ~~assistants~~, and attendants shall cease operation of covered equipment and evacuate all patrons. Operation shall not resume until conditions have returned to a normal, safe operating environment.